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OFFICE OF PETITIONS

In re Application of	:	
Cynthia Mary Milton	:	
Application No. 09/621,934	:	ON PETITION
Filed: July 24, 2000	:	
Attorney Docket No.	:	

This is a decision on the renewed petition to withdraw the holding of abandonment, filed June 6, 2007.

The petition under 37 CFR 1.181 is GRANTED.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers, mailed March 11, 2003. This Office action set a period for reply of thirty (30) days. No extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on April 12, 2003. A Notice of Abandonment was mailed on May 21, 2003. Applicant filed a petition to withdraw the holding of abandonment on June 4, 2003. However, the petition was dismissed in a decision mailed on December 10, 2003.

To establish nonreceipt of an Office action, a petitioner must:

- 1) include a statement that the Office action was not received;
- 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
- 3) include a copy of the docket record where the nonreceived Office

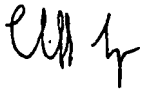
action would have been entered had it been received and docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

On renewed petition, petitioner has submitted a copy of a master docket record, showing all replies docketed for a due date of April 11, 2003. An entry for the instant application is absent, supporting the conclusion that the Notice to File Corrected Application Papers was not received.

There is no indication that petitioner submitted a copy of his response to the Notice to File Corrected Application Papers with his petition.

As such, the application is being forwarded to the Office of Data Management for re-mailing of the March 11, 2003 Notice to File Corrected Application, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c) (II).

² MPEP 711.03(c) (II) (emphasis added).

³ Id.